

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

This action seeks habeas relief under 28 U.S.C. § 2254. Petitioner appears *pro se*, and his pleadings are liberally construed.

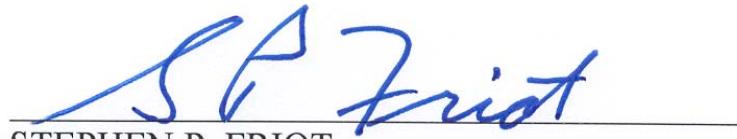
Magistrate Judge Bana Roberts entered her Report and Recommendation in this matter on May 11, 2007. (Doc. no. 18.) In that Report, the magistrate judge recommended that the petition for writ of habeas corpus be dismissed as moot by reason of the petitioner's recent death. The Report advised of the right to file an objection to the Report by May 31, 2007.¹ The Report further advised that failure to make timely objection to the Report waives the right to appellate review of both factual and legal issues contained in the Report. No objection has been filed, and no request for an extension of time has been filed.

After review of the Report, the record, and the relevant authorities, and with there being no objection, the court finds and concludes that it concurs with the magistrate judge's determinations and that no purpose would be served by repeating those determinations, or any analysis, here.

¹Petitioner's copy of the Report and Recommendation was returned to this court with the notation "undeliverable."

Accordingly, the Report and Recommendation of Magistrate Judge Bana Roberts is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons stated in the Report, the petition is **DISMISSED** as moot by reason of the petitioner's death.

Dated this 4th day of June, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

06-0197p002(pub).wpd